

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 19 and 22 will have been amended. Thus claims 13-26 still remain pending for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejection of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has objected to claims 19 and 22 because of informalities. By the present amendment, Applicant has amended claims 19 and 22 to correct these informalities. Thus, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner has rejected claims 13-26 under 35 U.S.C § 103 (a) as being unpatentable over OHNISHI et al. (U.S. Patent No. 5,655,152) in view of TOYODA et al. (Japanese Patent Publication No. 09-116728).

As noted above, Applicant has amended claims 19 and 22 and claims 13-26 still remain pending for reconsideration. Applicant respectfully traverses the above rejection based on these amended claims 13-26 and will discuss the rejection with respect to the pending claims in the present application as will be set forth

hereinbelow. The claims have been amended merely to clarify the subject matter, but do not raise new issues and do not narrow the scope of the claims.

Applicant's claims 13-15, 19-21, and 26 relate to an image communication apparatus connected with a receiving facsimile via a server apparatus on the Internet. The image communication apparatus is configured to communicate with a first server apparatus and with a second server apparatus. The image communication apparatus also has a controller which accesses the first server apparatus to obtain capabilities regarding facsimile data that the receiving facsimile can receive. Further, the controller obtains, from the second server apparatus, the capabilities regarding facsimile data that the receiving facsimile can receive, when the first server apparatus is determined not to store the capabilities regarding facsimile data that the receiving facsimile can receive. The controller transforms image data, based on the obtained capabilities regarding facsimile data that the receiving facsimile can receive, converts the transformed image data into data for Internet transmission, and transmits the converted data to the receiving facsimile. Claims 18, and 23-25 recite related methods.

Applicant's claims 16-17, and 22 relate to a server apparatus having a memory and connected with a transmitting facsimile and a receiving facsimile via the Internet. The server apparatus, inter alia, has a memory and obtains the capabilities of the receiving facsimile from another server apparatus that stores the capabilities of the receiving facsimile, when the capabilities of the receiving

facsimile are not stored in the memory. Further, when the transmitting facsimile inquires regarding the capabilities of the receiving facsimile, the server apparatus transmits the capabilities of the receiving facsimile to the transmitting facsimile. Thus, the transmitting facsimile is able to transform image data, based on the capabilities of the receiving facsimile, to convert the transformed image data into data for Internet transmission, and to transmit the converted data to the receiving facsimile.

In direct contrast, Fig.21 of OHNISHI et al. disclose a system in which a server 30 is connected to a printer 22 and a facsimile 24, and is connected to a client 25. The server 30 is also connected to a server 31 and to a server 32. The server 31 and the server 32 can send job requests to the printer 22 (or the facsimile 24) which is connected to the server 30. Similarly, the client 25, connected to the server 30, can send a job request to the servers 31 and 32 to use output units (not-illustrated) which are connected to the servers 31 and 32 (see col. 27, line 42-63 of OHNISHI et al.). When the server 30 receives a job request from another server 31 (or 32), the server 30 selects an adequate output unit (the printer 22 or the facsimile 24), based on the job request (see, col. 27, line 64-67, col. 28, lines 1-25 of OHNISHI et al.). Similarly, when the client 25 sends a job request to an output unit (i.e. a printer) which is connected to another server 31 (or 32) via the server 30, the other server 31 (or 32) selects an adequate output unit (i.e. a printer) which

is connected to the other server 31 (or 32), based on the job request (see col. 28, lines 26-62 of OHNISHI et al.).

In other words, in OHNISHI et al., a respective server selects an adequate output unit (a printer or a facsimile) which is connected thereto, based on a job request from a client connected thereto or another server.

However, the present invention does not select an adequate receiving facsimile connected to a server apparatus, based on a job request, but the present invention obtains, from the server apparatus, capabilities regarding facsimile data that the receiving facsimile can receive, and transforms image data, based on the capabilities regarding facsimile data that the receiving facsimile can receive.

Thus, OHNISHI et al. select an output device while the present invention, as defined by the claims, requires, inter alia, transformation of the image data to conform the capabilities of the receiving facsimile.

Regarding the above Applicant's arguments, the Examiner contends that OHNISHI et al. disclose "a controller configured to access the first server apparatus to obtain receiving facsimile unit information or capabilities (resolution information a facsimile other than facsimile 24 connected to the server 30 in Fig. 21 and refer to Figs. 44 & 45)". Nevertheless, the Examiner has not addressed the recited "to transform image data, based on the obtained capabilities regarding facsimile data that the receiving facsimile can receive, to convert the transformed

image data into data for Internet transmission, and to transmit the converted data to the receiving facsimile.” These features are not disclosed in the cited references.

Regarding the eleventh embodiment, OHNISHI et al. teaches another system in which a server 53 obtains a job request from a client or another server. The job request includes a data-output condition identifier indicating “resolution”, as shown in Fig. 45(a). The server 53 stores a correspondence table for the data-output condition, as shown in fig.45(b). The server 53 selects an available output unit, by comparing the job request with the correspondence table. A higher priority is given to an output unit having higher resolution. Thus, the server 53 selects an output unit having higher resolution, when it selects the available output unit (see, col. 39, lines 64-67, col. 40, lines 50-65 of OHNISHI et al.).

However, the data-output condition “resolution” is contained in the job request, and the job request is sent “from the client” to the server 53. Thus, while the server 53 may obtain the data-output condition “resolution” from the client, the client does not obtain the data-output condition “resolution” from the server 53, at least because the “condition” is already contained in the client. Further, since the client does not obtain the data-output condition “resolution” from the server 53, it is impossible for the client to do something (i.e. transform or convert), based on obtained data from the server 53.

On the other hand, the image communication apparatus of the present invention does not have capabilities regarding facsimile data that the receiving

apparatus can receive. Thus, the image communication apparatus accesses the first server and obtains capabilities regarding facsimile data that the receiving apparatus can receive. The image communication apparatus also transforms the image data, based on the obtained capabilities regarding facsimile data that the receiving apparatus can receive. By these features, the present invention is clearly distinguished over OHNISHI et al.

Thus, OHNISHI et al. do not disclose a facsimile which obtains, from the server apparatus, capabilities regarding facsimile data that the receiving facsimile can receive, and transforms image data, based on the capabilities regarding facsimile data that the receiving facsimile can receive.

Further, the Examiner contends that OHNISHI et al. disclose “the controller being further configured, when the first server apparatus is determined not to store the receiving facsimile unit information, to obtain the information form the second server apparatus (col. 44, lines 36-57 & col. 46, lines 35-43)”.

Regarding the twelfth embodiment, OHNISHI et al. teaches a server 57 which is connected to a group of clients connected to another server via a network. The server 57 comprises a job processing unit 58 which receives an information request 910 or an update request 920 form one of the group of the clients. When the job processing unit 58 receives the information request 910, the job processing unit 58 forwards the information request 910 to an information receiving unit 59. The information receiving unit 59 extracts a setting information corresponding

table 930 from a storage unit 61, and sends the information request 910 and the setting information corresponding table 930 to a sending unit 62. The setting information corresponding table 930 shows a correspondence between an output unit type identifier 931, a server identifier 932, and an output unit identifier 933. The sending unit 62 sends the updated correspondence table 930 to the client specified in the information request 910. On the other hand, when the job processing unit 58 receives an update request 920, the job processing unit 58 forwards the updated request 920 to an update processing unit 60. The update processing unit 60 extracts the setting information corresponding table 930 from a storage unit 61, update the setting information corresponding table 930, and sends the updated setting information corresponding table 930 to the sending unit 62. The sending unit 62 broadcasts the updated correspondence table 930 to the group of the clients. Thereby, the client can collect the output unit information by sending the information request 910.

In other words, OHNISHI et al. merely disclose a system which collects or updates the output unit information in the correspondence table 930.

However, the correspondence table 930 does not corresponds to the capabilities regarding facsimile data that the receiving facsimile can receive, as recited in the pending claims, since the setting information corresponding table 930 shows a correspondence between an output unit type identifier 931, a server identifier 932, and an output unit identifier 933 (see. col. 43, lines 60-65). The

image communication apparatus of the present invention transforms image data, based on the obtained capabilities regarding facsimile data that the receiving facsimile can receive. However, OHNISHI et al. do not transform image data, based on the above correspondence table 930. In other words, the image communication apparatus of the present invention can not transform image data, based on the contents of a table such as the corresponding table 930 of OHNISHI et al. which does not contain capabilities regarding facsimile data that the receiving facsimile can receive, but merely contains correspondence between the output unit type identifier 931, the server identifier 932, and the output unit identifier 933. Thus, the present invention is clearly distinguished over OHNISHI et al. twelfth embodiment.

Further, The portions cited by the Examiner (col. 44, lines 36-57 & col. 46, lines 35-43), merely teach updating of the output unit information stored in the server. However, the present invention has no relation to the collection or updating of the output unit information stored in the server. Rather, the present invention relates to the image communication apparatus which, when the first server apparatus is determined not to store the capabilities regarding facsimile data that receiving facsimile apparatus can receive, obtains, from the second server apparatus, the capabilities regarding facsimile data that receiving facsimile apparatus can receive. Regarding these features of the present invention, they are

not disclosed or taught by OHNISHI et al. Thus, the present invention is completely distinguished over OHNISHI et al. twelfth embodiment.

Furthermore, the Examiner points out Fig. 21. However, although the system of the present invention is superficially similar to the system described in Fig. 21, the process, which is performed in the system of the present invention, is totally distinguished from the process, which is performed in the system of Fig. 21, as explained above. Thus, the twelfth embodiment of OHNISHI et al. does not disclose the features of the present invention.

Therefore, it is respectfully submitted that numerous features recited in Applicant's claims 13-26 are not disclosed in OHNISHI et al. cited by the Examiner.

TOYODA et al. relate to a facsimile type electronic mail apparatus of a transmitting side which, before transmitting mail data, communicates with a receiving apparatus, and obtains a prescribed paper size and a prescribed image resolution from the receiving apparatus (paragraphs 19 and 20).

However, the present invention does not communicate with a receiving apparatus to obtain a prescribed paper size and a prescribed image resolution from the receiving apparatus, before transmitting image data. Rather, the present invention communicates with a server apparatus to obtain the capabilities regarding facsimile data that the receiving apparatus can receive.

Further, TOYODA et al. do not obtain, from a second server apparatus, the prescribed paper size and the prescribed image resolution, when a first server apparatus is determined not to store the prescribed paper size and the prescribed image resolution, since TOYODA et al. obtains the prescribed paper size and the prescribed image resolution from the receiving apparatus itself, without obtaining the prescribed paper size and the prescribed image resolution from a server apparatus. Thus, TOYODA et al. do not disclose the image communication apparatus which obtains, from the second server apparatus, the capabilities regarding facsimile data that receiving facsimile apparatus can receive, when the first server apparatus is determined not to store the capabilities regarding facsimile data that receiving facsimile apparatus can receive.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-26 are not disclosed in TOYODA et al. cited by the Examiner. Thus, the pending claims are clearly distinguished over TOYODA et al.

Moreover, TOYODA et al. do not supply at least the above-noted deficiencies of OHNISHI et al., and thus the combination proposed by the Examiner does not render the claims unpatentable. Thus, the pending claims are submitted to be patentable over the Examiner's proposed combination, since neither OHNISHI et al., TOYODA et al., nor any other proper combination thereof discloses the combination of features recited in Applicant's claims 13-26.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

Although the status of the present application is after final rejection, since the amendments merely eliminate informalities raised by the Examiner, no new issues are raised, and entry of the present amendment is respectfully requested and is submitted to be appropriate in accordance with 37 C.F.R 1.116.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the objected to claims for consideration by the Examiner.

With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the pending claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

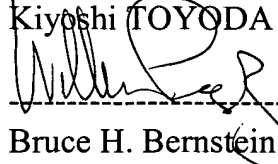
The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the

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prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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